

THERAPEUTIC USE OF CANNABIS ADVISORY COUNCIL

Friday, August 15th, 1:00-4:00 PM
Legislative Office Building, Rooms 205-207

MINUTES

Members in attendance:

Robert Andelman, MD, State Board of Medicine
Gilles Bissonnette, NH Civil Liberties Union (proxy for Devon Chaffee)
Lt. John Encarnacao, Department of Safety
Michael Holt, Department of Health and Human Services (Clerk)
Colette Horgan, Exeter Hospital
Representative James MacKay (Chair)
Senator John Reagan

Members absent:

Kelly DeFeo, APRN, Nurse Practitioner Association
Robert Duhaime, Board of Nursing
Stuart Glassman, MD, NH Medical Society
Peter Gosline, Monadnock Community Hospital
Lisa Kilar, Qualifying Patient
Representative Mariellen MacKay
Andrew Shagoury, New Hampshire Association of Chiefs of Police
James Vara, Department of Justice
Vacant, Public Member

Representative J. MacKay called the meeting to order at 1:08 p.m.

Review and Approval of Minutes

Due to a lack of a quorum, the Council did not take action on the draft minutes from the June 27 meeting.

Council Membership Update – Rep. Jim MacKay (Chair)

Representative J. MacKay updated the Council that Chief Andrew Shagoury, previously the Public Member representative, now serves as the representative for the New Hampshire Association of Chiefs of Police, and that the Governor's appointee for a Public Member representative is open/vacant; and Rep. MacKay reminded the Council that Representative Mariellen MacKay replaced Representative Ted Wright as one of the two House of Representatives appointees, and that Senator John Reagan replaced Senator Jeff Woodburn as the Senate appointee.

DHHS Initial Proposal for He-C 402 Alternative Treatment Centers Update - Mary Castelli, Senior Division Director, Office of Operations Support; John Martin, Manager, Bureau of Licensing and Certification; Michael Holt, DHHS Administrative Rules Unit; Rodney Bascom, Health Facilities Administration

Discussion on proposed timeline for entering He-C 402, Alternative treatment Centers (ATCs), into formal rulemaking.

- January 23, 2015 legislative deadline for the following:
 - (1) Promulgation of administrative rules for ATCs; and
 - (2) Selection/award contract(s) for ATCs.
- The deadline for written comments on the proposed rule is Wednesday, August 27. All written comments can be sent to Michael Holt, DHHS Administrative Rules at: michael.holt@dhhs.state.nh.us. Subsequent to public comment received, the Department will publish its revised draft rule with track changes on its website.

- Submission of proposed rule with Joint Legislative Committee on Administrative Rules (JLCAR) anticipated September 5, 2014 with final rule targeted for November 20, 2014. Public input will be permitted throughout the rulemaking process.
- RFP targeted for release in October 2014.
- ATCs selection targeted for January 2015.

Review and discussion of the draft initial proposal for He-C 402. Department staff presented the draft proposed rule to the Council and received comment and answered questions on the proposed rule from the Council and attendees in the Gallery (see materials presented - He-C 402 draft rule available at the Department's website: <http://www.dhhs.nh.gov/oos/tcp/documents/hec402draftip.pdf>). The following topics were discussed:

- Rigid security controls and inspection requirements, including discussion on home delivery of cannabis and presence of armed security guards at ATCs.
- Proposed fees. These are not necessarily the final fees. They are conservative compared to other jurisdictions (eg, CT has \$100K annual registration fee).
- Information technology (IT) system to be determined by ATCs.
- Banking issue for ATCs has been or is being resolved at the federal-level.
- Pricing of product. Rules will not regulate pricing, but will require ATCs to address a reduced cost cannabis for certain individuals.
- Projection of number of qualifying patients – Department is reviewing experiences from other jurisdictions.
- 4 ATCs specified in legislation – location or siting for geographic diversity and accessibility for qualifying patients.
- Labeling covered in proposed rule, including requirement to include the cannabinoid profile (ie, potency) on label.
- Cost-analysis still at drawing board at this stage – will make available at an appropriate future date.

Closing Remarks/Roundtable Discussion

Erica Golter, NH NORML, from the Gallery, submitted proposed language to the Council. Representative J. MacKay opened comments from the Gallery on various items including timing for issuance of qualifying patient cards and other topics related to the ATCs. Some discussion on low attendance of Council members due to summer vacation schedule and rescheduling of the August meeting.

Proposed Date for Next Meeting

At the call of the Chair – likely either September or October for next meeting. Proposed 2015 legislation is slated as a tentative agenda item.

Rep. J. MacKay adjourned the meeting at 3:34 p.m.